Constitution and By-laws

of the

Oglala Sioux Tribe

CONSTITUTION OF THE OGLALA SIOUX TRIBE

Pine Ridge Indian Reservation
Pine Ridge, South Dakota

PREAMBLE

We, the Oglala Sioux Tribe of the Pine Ridge Indian Reservation, in order to establish a more perfect organization, promote the general welfare, conserve and develop our lands and resources, secure to ourselves and our posterity the power to exercise certain rights of home rule not inconsistent with Federal laws and our treaties, and in recognition of God Almighty and His Divine Providence, do ordain and establish this constitution for the Oglala Sioux Tribe.

ARTICLE I - TERRITORY

The jurisdiction of the Oglala Sioux Tribe of Indians shall extend to the territory within the original confines of the Pine Ridge Indian Reservation boundaries, as defined hereafter added thereto under any law of the United Sated except as may be otherwise provided by law for unrestricted lands. To regulate the inheritance of property, real and personal, other than allotted lands, within the territory of the Pine Ridge Indian Reservation.

ARTICLE II - MEMBERSHIP

Section 1. Membership of the Oglala Sioux Tribe shall be automatic when:

(a) The person's name appears on the official roll of the Oglala Sioux Tribe of the Pine Ridge Reservation as of April 1, 1935 or if the person's name appears on any correction made within five years after the adoption Constitution on January 1936.

(b) A child is born to any member of the Oglala Sioux Tribe.

Section 2. The Tribal Council shall have the authority to adopt laws covering future membership.

ARTICLE III - GOVERNING BODY

Section 1. The governing body of the Tribe under this constitution shall be a council which shall be composed of councilmen chosen by secret ballot by qualified voters of the tribe, which council shall hereafter be known as "The Oglala Sioux Tribe Council"

Section 2. Each district of the reservation as follows, shall be entitled to representation on the tribal council according to population as hereinafter provided:

Oglala District: The tribal council shall describe boundaries by ordinance with local participation, through district hearings.

Wakpamni District: The tribal council shall describe boundaries by ordinance with local participation, through district hearings.

Wounded Knee District: The tribal council shall describe boundaries by ordinance with local participation, through district hearings.

Porcupine District: The tribal council shall describe boundaries by ordinance with local participation, through district hearings.

Medicine Root District: The tribal council shall describe boundaries by ordinance with local participation, through district hearings.

Eagle Nest District: The tribal council shall describe boundaries by ordinance with local participation, through district hearings.

Pass Creek District: The tribal council shall describe boundaries by ordinance with local participation, through districts hearings.

Lacreek District: The tribal council shall describe boundaries by ordinance with local participation, through district hearings.

the Constitution of the United States and subject further to all express restrictions upon such powers contained in this Constitution and the attached Bylaws:

(a) To negotiate with the Federal, State, and local governments, on behalf of the tribe, and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Pine Ridge Indian Reservation.

(b) To employ legal counsel for the protection and advancement of the rights of the Oglala Sioux Tribe and its members

(c) To approve or veto any sale, disposition, lease, or encumbrance of tribal lands, interest in lands, or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other authorized official or agency of government, provided that no tribal lands shall ever be leased for a period exceeding five years, sold or encumbered except for governmental purposes.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Pine Ridge Indian Reservation prior to the submission of such estimates to the Bureau of the Budget and Congress.

(e) To make assignments of tribal land to members of the Oglala Sioux Tribe in conformity with Article X of this constitution.

(f) To manage all economic affairs and enterprises of the Oglala Sioux Tribe in accordance with the terms of a charter that may be issued to the Tribe by the Secretary of the Interior.

(g) To appropriate for public purposes of the tribe any available Tribal Council funds.

(h) To levy taxes or license fees upon persons on the Pine Ridge Indian Reservation and to require the performance of community labor in lieu thereof.

(i) To remove trespassers, and exclude and banish persons from within the boundaries of the Pine Ridge Indian Reservation as defined in Article I.

(j) To enact resolutions or ordinances not inconsistent with Article II of this

constitution concerning membership in the Oglala Sioux Tribe.

(k) To promulgate and enforce ordinances, governing the conduct of persons on the Pine Ridge Indian Reservation, and providing for the maintenance of law and order and the administration of justice by establishing a reservation court and defining its duties and powers.

(l) To purchase, under condemnation proceedings in courts of competent jurisdiction, land or other property needed for public purposes.

(m) To protect and preserve the property, wild life, and natural resources – gases, oils, and other materials, etc., - of the tribe, and to regulate the conduct of trade and the use and disposition of property upon the reservation.

(n) To regulate, preserve, and strengthen native arts, crafts, culture, and the Lakota language.

(o) To charter subordinate organizations for economic purposes and to regulate the activities of associations thus chartered by the tribal council, or any other associations of members of the tribe, which are indebted to the tribe.

(p) To regulate the inheritance of property, real and personal, other than allotted lands, within the territory of the Pine Ridge Indian Reservation.

(q) To regulate the domestic relations of members of the tribe.

(r) To adopt laws regulating the appointment of guardians for minors and mental incompetents who are members or are eligible for membership of the Tribe.

(s) To adopt laws regulating the procedure of the Tribal Council, the Executive Committee, Chartered Organizations, and sub-committees of the Tribal Council, and to adopt laws establishing the order of business during Regular and Special meetings of the Tribal Council.

(t) To delegate to subordinate boards or officers or to cooperative associations which are open to all members of the tribe any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(u) To adopt ordinances regulating the procedure of the council itself and of other elected officials of the reservation through a comprehensive code of ethics and removal procedures.

(v) Repealed.

(w) To adopt laws protecting and promoting the health and general welfare of the Oglala Sioux Tribe and its membership.

Section 2. Future Powers. The Tribal Council of the Oglala Sioux Tribe may exercise such further powers as may in the future be delegated to the council by members of the tribe or by the Secretary of the Interior, or any other duly authorized official or agency of the Federal Government.

Section 3. Reserved Powers. Any rights and powers heretofore vested in the Oglala Sioux Tribe, but not expressly referred to in this constitution, shall not be abridged by this article, but may be exercised by the people of the Oglala Sioux Tribe through the adoption of appropriate by-laws and constitutional amendments.

ARTICLE V - JUDICIAL POWERS

Section 1. Creation. The judicial power of the Oglala Sioux Tribe shall be vested in one Supreme Court and in other inferior tribal courts established by the Tribal Council. The Supreme Court and other inferior tribal courts shall be independent from the Tribal Council and the Executive Committee, and no elected official exercising powers of the Tribal Council or the Executive Committee shall exercise powers vested in the Supreme Court or other inferior tribal courts.

Section 2. Jurisdiction. The judicial power shall extend to all cases, in law and equity, arising under the Oglala Sioux Tribe Constitution, the laws of the Oglala Sioux Tribe, or to all persons and property within the jurisdiction of the Oglala Sioux Tribe.

Section 3. Powers of the Supreme Court. The Supreme Court shall exercise the following powers:

(a) The Supreme Court shall have appellate jurisdiction over any case on appeal from inferior tribal courts.

(b) The Supreme Court shall have the power to declare laws of the Oglala

Sioux Tribe void if such laws are not in agreement of the Oglala Sioux Tribe Constitution. All decisions of the Supreme Court shall be in writing and shall be final.

(c) Justices of the Supreme Court must have a Juris Doctorate from an A.B.A. accredited law school and must be licensed to practice law in any state or federal jurisdiction.

(d) Justices of the Supreme Court shall be appointed to the Supreme Court by the Tribal Council and shall serve a six (6) year term.

Section 4. Powers of the Inferior Tribal Court. The inferior tribal court shall exercise the following powers:

(a) Inferior tribal courts shall have the power to make findings of fact and conclusions of law, and shall have the power to issue all remedies in law and in equity including injunctive and declaratory relief and all writs including attachment and mandamus.

(b) Inferior tribal courts shall have the power to declare the laws of Oglala Sioux Tribe void if such laws are not in agreement with the Constitution.

(c) The Chief Judge of inferior tribal courts shall oversee the administration of justice of inferior tribal courts, and must have a Juris Doctorate from an A.B.A. accredited law school and must be licensed to practice law in any state or federal jurisdiction.

(d) The Chief Judge of inferior courts shall be elected at large by eligible voters of the Oglala Sioux Tribe under ordinances promulgated by the Tribal Council, and shall serve a four (4) year term.

Section 5. Compensation. The Tribal Council shall have the power to establish the level of compensation for Justices of the Supreme Court and Judges of inferior tribal courts, provided that the compensation due to each Justice and Judge shall not be diminished during the Justice's or Judge's appointment.

Section 6. Removal. The Tribal Council may remove any Justice of the Supreme Court or any Judge of inferior tribal courts by a two-thirds vote for:

(a) Unethical judicial conduct;

(b) Physical or mental disability which prevent the performance of judicial duties;

(c) Persistent failure to perform judicial duties;

(d) Gross misconduct that is clearly prejudicial to the administration of justice.

Section 7. Vacancies. If there is any vacancy, the Tribal Council shall appoint a Justice of the Supreme Court or a new Judge of inferior tribal courts for the unexpired term. If the vacancy involves the Chief Judge of inferior tribal courts, the Tribal Council shall appoint a new Chief Judge who satisfies all requirements necessary for Chief Judge for the unexpired term.

ARTICLE VI - DISTRICT ORGANIZATION

Each district established under this constitution shall elect a president and such other officers as may be advisable to run concurrent with the terms of the representatives to the tribal council. The president shall call and preside over councils of the district whenever necessary for the consideration of matters of local interest. The various districts may consult with representatives of the Interior Department on all matters of local interest and make recommendations thereon to the tribal council or the superintendent or Commissioner of Indian Affairs, may undertake and manage local enterprises in furtherance of the purposes set forth in the preamble to this constitution, may levy assessments upon members of the district, may expend moneys in the district treasury for the benefit of the district, may keep a roll of those members of the tribe affiliated with the district, and may exercise such further powers as may be delegated to districts by the tribal council. The actions of the district councils shall not be inconsistent with the constitution and by-laws, and ordinances of the tribe.

ARTICLE VII - ELECTIONS

Section 1. All members of the Tribe 18 years or over, who have resided on the reservation for a period of one year immediately prior to any election shall have the right to vote.

Section 2. The time, place and manner of nomination and election of councilmen and any other elective officers of the council shall be determined by the tribal council by appropriate ordinances.

Section 3. The tribal council and officers shall be sworn into office the first meeting in December, commencing in 1998. The tribal council members elected in 1996, shall serve until the first meeting in December, 1998.

ARTICLE VIII - REMOVAL OF OFFICERS

Section 1. Any member or officer of the tribal council who is convicted of a felony or any other offense involving dishonesty shall forfeit his office.

Section 2. Any officer of the council or any councilman shall be subject to recall from office under due process of law for cause. Any complaint against any officer of the council or any councilman must be in writing and sworn to by the complainant. No person is to be impeached except by a two-thirds (2/3) vote of the council after the accused has had due notice of the charges against him and an opportunity to be heard in his own defense.

ARTICLE IX - REFERENDUM

Upon a petition by a least on-third (1/3) of the eligible voters of the Oglala Sioux Tribe, or upon the request of a majority of the members of the tribal council, any enacted or proposed ordinance or resolution of the council shall be submitted to popular referendum, and the vote of a majority of the qualified voters voting in such a referendum shall be conclusive and binding on the tribal council.

ARTICLE X - LAND

Section 1. Allotted Lands. Allotted lands including heirship lands, within the Pine Ridge Indian Reservation, shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not, they are members of the Oglala Sioux Tribe. Like wise it is recognized that under existing law the Secretary of the Interior may, at his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may be mortgaged or sold. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Oglala Sioux Tribe either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

Section 2. Tribal Lands. The unallotted lands of the Pine Ridge Indian Reservation and all lands which may hereafter be acquired by the Oglala Sioux Tribe or by the United States in trust for the Oglala Sioux Tribe, shall be held as tribal lands, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Oglala Sioux Tribe, or leased. Or other - wise used by the tribe, as hereinafter provided.

Section 3. Leasing of Tribal Lands. Tribal lands may be leased by the tribal council, with the approval of the Secretary of the Interior for such periods of time as are permitted by law.

In the leasing of tribal lands preference shall be given, first, to Indian communities or cooperative associations and, secondly to individual Indians who are members of the Oglala Sioux Tribe. No lease of tribal land to a nonmember shall be made by the tribal council unless it shall appear that no Indian community or cooperative association or individual member of the tribe is able and willing to use the land and to pay a reasonable fee for such use.

Grazing permits covering tribal and may be issued by the tribal council, with the approval of the Secretary of the Interior, in the same manner and upon the same terms of leases.

Section 4. Grant of Standard Assignments. In any assignment of tribal lands which are now owned by the tribe or which may be hereafter purchased fort he tribe by the United States, or purchased by the tribe out of tribal funds, preference shall be given, first, to heads of families which have no allotted lands or interests in allotted lands by shall have already received assignments consisting of less than 20 acres agricultural land, or their land or interests in land of equal value.

No allotted member of the tribe who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated shall be entitled to receive an assignment of land as a landless Indian

The tribal council may, if it sees fit, charge a fee of $10.00 on approval of an assignment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians and shall be known as standard assignments.

Section 5. Tenure of Standard Assignments. If any member of the tribe

holding a standard assignment of land shall, for period of two years, fail to use the land so assigned or shall use such land for any unlawful purpose, his assignment may be cancelled by the tribal council after due notice and an opportunity to be heard and the said land may be reassigned in accordance with the provisions of Section 4 of this article.

Upon the deaths of any Indian holding a standard assignment, his heirs or other individuals designated by his, by will, or written request, shall have a preference in the reassignment of the land, provided such persons are members of the Oglala Sioux Tribe who would be eligible to receive a standard assignment.

Section 6. Grant of Exchange Assignments. Any member of the tribe who owns an allotment or any share of heirship land or patent in fee land may voluntarily transfer his interest in such land to the tribe in exchange for an assignment, such land or land of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit.

Section 7. Leasing of Exchange Assignments. Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the tribe, or, if no individual Indian or Indian cooperative association is able and willing to rent the land at a reasonable fee, such assignments may by leased to non-Indians, in the same allotted lands.

Section 8. Inheritance of Exchange Assignments. Upon the death of the holder of an exchange assignment, such land shall be reassigned by the tribal council to his

(a) Such lands may not be reassigned to any heir or devisee who is not a member of the Oglala Sioux Tribe, except that a life assignment may be made to the surviving widower, widow, or child of the holder of an assignment.

(b) Such lands may not be reassigned to any heir or devisee who already holds more than 1,2801 areas of grazing land, or other land or interests in land of equal value, either under allotment or under assignment.

(c) Such lands may hot be subdivided among heirs or devisees into units too small for convenient management. No area of grazing land shall be subdivided into units smaller than two and one-half acres. Except that land used for buildings or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divided the issue to such heirs of devisees grazing

permits or other interests in tribal lands of the same value as the assignment of the decedent.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of Section 4 of this article.

Section 9. Inheritance of Improvements. Improvements of any character made upon lands may be bequeathed to inherited by members of the Oglala Sioux Tribe under such regulations as the tribal council shall provide. No permanent improvements shall be removed without the consent of the council.

Section 10. Exchange of Assignments. Assignments may be exchanged between members of the Oglala Sioux Tribe by common consent in such manner, as the tribal council shall designate.

Section 11. Use of Unassigned Tribal Land. Tribal land which is not leased or assigned, including tribal timber reserves, shall be managed by the tribal council for the benefit of the members of the entire tribe, and any cash income derived from such land shall accrue to the benefit of the tribe as a whole.

Section 12. Purchase of Land by Tribe. Tribal funds may be used with the consent of the Secretary of the Interior to acquire land under the following conditions:

(a) Land within the Pine Ridge Indian Reservation or adjacent to the boundaries thereof which is not now in Indian ownership may be purchased by or for the Oglala Sioux Tribe.

(b) Land owned by any member of the tribe who desires to leave the reservation permanently may be purchased by the tribe, under such terms as may be agreed upon.

Section 13. Method of Making Assignments. Applications for assignments shall be filed with the secretary of the tribal council and shall be in writing, setting forth the named of the person or persons applying fort he land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the secretary shall be posted by him/her in the agency office and in at least three conspicuous places in the district in which the land is located for not less than 20 days before action is taken by the council. Any member of the Tribe

wishing to oppose the before action is taken by the Council. Any member of the Tribe wishing to oppose the granting of an assignment shall do so in writing, setting forth his/her objections to be filed with the secretary of the tribal council, and may, is he/she so desires, appear before the council to present evidence. The Secretary of the Tribal Council shall furnish action taken by the council on applications for assignment of land and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the Tribe.

ARTICLE XI - AMENDMENTS

The Constitution and Bylaws bay be amended by a majority of the qualified voters of the Tribe voting at an election called for the purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election; but no amendment shall become effective until is shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, at the request of two-thirds (2/3) of the council, or upon presentation of a petition signed by one-third (1/3) of the qualified voters, members of the Tribe.

ARTICLE XII - BILL OF RIGHTS

The Tribal Council in exercising its inherent powers of self-governance, shall not make any tribal law or enforce any tribal, state or federal law that:

(a) Prohibits the full exercise of Lakota culture and spirituality or any other religion, or abridging the freedom of speech, or of the press, or the right of the people to peaceably assemble and to petition for a redress of grievances;

(b) Violates the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures; nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;

(c) Subjects any person for the same offense to be twice put in jeopardy;

(d) Compels any person in any criminal case to be witness against himself or herself;

(e) Takes any private property for public use without just compensation;

(f) Denies to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against the person, to have compulsory process for obtaining witnesses in the person's favor, and at the person's own expense, to have the assistance of counsel for the person's defense;

(g) Requires excessive bail, impose excessive fines, inflict cruel and unusual punishments;

(h) Denies to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;

(i) Adopts any bill of attainder or ex post facto law; or

(j) Denies to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six (6) persons.

ARTICLE XIII - RESPONSIBILITIES OF EXECUTIVE COMMITTEE OFFICERS

Section 1. It shall be the duty of the President to preside over all meetings of the Tribal Council and to carry out all orders of the Tribal Council, unless prevented by just causes. The President, with the assistance of subordinate Executive Committee Officers, shall also exercise powers delegated to the President by the Tribal Council.

Section 2. The Vice President shall perform the duties and execute the powers of the President in the absence of the President and shall assume the Presidency in the event of a vacancy in the office.

Section 3. The Secretary shall keep an official record of each regular and special meeting of the tribal council, meetings of sub-committees of the Tribal Council, and meetings of the Executive Committee, and shall perform such other duties delegated to the Secretary by the Tribal Council. The Secretary shall make available to the public all laws, rules, regulations, and meeting minutes adopted by the Tribal Council and the Executive Committee.

Section 4. The Treasurer shall be the custodian of all funds, which come under the jurisdiction or control of the Oglala Sioux Tribal Council. The Treasurer shall pay out funds in accordance with the laws established by the Tribal Council, shall keep accounts of all receipts and disbursements, and shall make written reports to

the Tribal Council at each Regular and Special meeting. The Treasurer shall be bonded in such an amount as the Tribal Council by law shall provide. The books of the Treasurer shall be subject to inspection or audit by the direction of the Tribal Council.

Section 5. The Fifth Member shall inform the Executive Committee of the actions taken by the Tribal Council and shall report back to the Tribal Council the actions or implementations taken by the Executive Committee. The Tribal Council may also assign other duties to the Fifth Member.

Section 6. There shall be an Executive Committee, which shall consist of the President, the Vice President, the Secretary, the Treasurer, and the Fifth Member. The Executive Committee shall act on behalf of the Tribal Council when the Tribal Council is not in session and shall be in charge of all routine matters that arise during such recess, including the administration of the land provisions of this constitution, and such other matters as may be delegated to it by the Tribal Council, and shall make a report at each Regular and Special session of the Tribal Council, and shall adopt resolutions that are not inconsistent with resolutions or ordinances adopted by the Tribal Council.

ARTICLE XIV - QUALIFICATIONS OF TRIBAL COUNCIL REPRESENTATIVES AND EXECUTIVE COMMITTEE OFFICERS

Any person elected as a Tribal Council Representative or as a Executive Committee Officer must be a member of the Oglala Sioux Tribe, be at least thirty (30) years of age at the time of the election, and must reside within the exterior boundaries of the Pine Ridge Indian Reservation as defined in Article I.

ARTICLE XV - OATH OF OFFICE

Section 1. Each Tribal Council Representative and Executive Committee Officer shall be required take an oath of office prior to assuming constitutional duties.

(Oath) I, _____, do solemnly swear that I will promote, preserve, and strengthen the general health and welfare of the Oglala Lakota Oyate; and I will support and defend this Constitution and the human rights of the Oglala Lakota Oyate and the human rights of other peoples as recognized in international laws, treaties - which includes both the 1851 and 1868 Ft. Laramie Treaties, and declarations.

ARTICLE XVI - MEETINGS AND PROCEDURES

Section 1. The Oglala Sioux Tribal Council shall conduct a mandatory Regular meeting on the last Tuesday of each month, but if the last Tuesday of each month falls on any holiday officially observed by the Oglala Sioux Tribe, the Regular meeting shall occur on the next business day.

Section 2. Two-thirds (2/3) of the duly elected members must be present to constitute a quorum.

Section 3. When a majority of Tribal Council members sign a written statement requesting a Special meeting, the President shall call a Special meeting no sooner than two (2) days.

Section 4. The Tribal Council may adopt an Ordinance establishing the process for the President to call emergency meetings to deal with natural, biological, or chemical disasters.

Section 5. The Tribal Council shall adopt an Ordinance establishing the order of business in any regular or special meeting.

ARTICLE XVII - NATIONAL SIOUX COUNCIL

The tribal council may appoint delegates to represent the Oglala Sioux Tribe in National Sioux Councils.

BYLAWS OF THE OGLALA SIOUX TRIBE

Pine Ridge Indian Reservation
Pine Ridge, South Dakota

ARTICLE IV - SALARIES

Section 1. The salaries and expense payments of the councilmen and other officers of the Oglala Sioux Tribe may be paid out of available funds of the tribe in accordance with ordinances duly enacted, provided that no council shall enact any ordinance increasing the salaries or per diem expense payments of councilmen during the existing term of office.

Section 2. No compensation shall be paid to any councilman, president, vice-president, secretary, treasurer, tribal counsel, or any officer out the tribal funds under the control of the Federal Government, except upon a resolution stating the amount of compensation and the nature of services approved by the Secretary of the Interior.

ARTICLE VII - ADOPTION OF CONSTITUTION AND BY-LAWS

Section 1. This Constitution and the attached Bylaws when approved by a majority of the adult voters of the Oglala Sioux Tribe voting in a special election called by the Secretary of the Interior in which at least thirty (30) per cent of the eligible voters vote, shall be submitted to the Secretary of the Interior for approval and shall be effective from the date of such approval.

CERTIFICATE OF ADOPTION

Pursuant to an order, approved December 11, 1935, by the Secretary of the Interior, the attached constitution and by-laws was submitted for ratification to the members of the Oglala Sioux Tribe of Indians of the Pine Ridge Reservation and was on

December 14, 1935, duly approved by a vote of 1,348 for, a den 1,041 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (Pub., No. 147, 74th Cong.).

William Fire Thunder, Chairman of Election Board.

William Pugh, Secretary of Election Board,

James H. McGregor, Superintendent in Charge of Reservation

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and by-laws of the Oglala Sioux Tribe of the Pine Ridge Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution and by-laws are hereby declared inapplicable to these Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and by-laws.

Approval recommended January 7, 1936.

John Collier, Commissioner of Indian Affairs.

Harold L. Ickes, Secretary of the Interior

{SEAL}

Washington, DC, January 15, 1936

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an election authorized by the Commissioner of Indian Affairs on October 1, 1969, under delegated authority, the attached, Amendments I, II, III, and IV to the Constitution and By-laws of the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota, were submitted to the qualified voters of the tribe and

was on December 4,1969, duly adopted by a vote of 783 for, and 411 against amendment III; and 658 for, and 524 against amendment IV, in an election in at least thirty percent of the 3,104 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934, (48 Stat. 984),as amended by the Act of June 15,1935 (49 Stat. 378).

Brice L. Lay, Chairman, Election Board

Theodore Tibbitts, Election Board Member,

Lloyd W. Eagle Bull, Election Board Member

December 11, 1969

APPROVAL

I Harrison Loesch, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted to me by the Act of June 18,1934 (48 Stat. 984), as amended, do hereby approve the attached Amendments I, II, III, and IV to the Constitution and By-laws of the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota. Approval Record

A.O. Allen, Acting Commissioner of Indian Affairs.

Harrison Loesch, Assistant Secretary of the Interior.

Washington, D.C., December 24, 1969

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an election authorized by the Aberdeen Area Director on July 12, 1985, under delegated authority, the attached Amendments A, B, C, and D, to the Constitution and By-laws of the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota, were submitted by to the qualified voters of the tribe and on November 25,1985, duly rejected by a vote of 468 for, and 531 against, against Amendment A, and duly adopted by a vote of 612 for, and 389 against, against Amendment B, and 578 for, and 464 against, against Amendment C, and 479 for, and 462 against, against Amendment D, in an election in which at least thirty percent of 2,658 members entitled to vote, cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18,1934 (48 Stat. 984).

Wilbert Janis Chairman of Election Board

Newton Cumming Election Board Member

Marvin Amiotte Election Board Member

APPROVAL

I, Jerry L. Jaeger, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted to me by 10 BIAM 3.1, do hereby approve the attached Amendments B, C, and D to the Constitution and By-laws of the Oglala Sioux Tribe.

Jerry L. Jaeger Area Director Aberdeen Area Office Bureau of Indian Affairs

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Acting Area Director, Aberdeen Area, on April 4, 1997 the attached Amendments A, B, C, D, E, and F to the Constitution and By-laws of the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota, were submitted to the qualified voters of the tribe and on June 13, 1997, duly adopted Amendment A, by vote of 742 for and 310 against; and duly adopted Amendment B, by a vote of 915 for and 157 against; and duly adopted Amendment C, by a vote of 901 for and 173 against; duly adopted Amendment D, by vote of 919 for and 153 against; and duly adopted Amendment E, by a vote of 750 for and 316 against; and duly adopted Amendment F, by a vote of 692 for and 375 against; in an election in which at least 30 percent required of the 3,211 members entitled to vote, cast their ballot in accordance with 25 U.S.C. 476.

Robert D. Ecoffey, Chairman, Election Board

John Yellow Bird Steele, Member, Election Board

Marvin G. Amiotte Member, Election Board

June 20, 1997

APPROVAL

I, Cora L. Jones, Acting Area Director of the Aberdeen Area Office, Bureau of

Indian Affairs, by virtue of the authority granted by 10 BIAM 3.1, hereby approve the attached Amendments A, B, C, D, E, and F to the Constitution and By-laws of the Oglala Sioux Tribe.

Cora L. Jones Acting Area Director

July 11, 1997 Aberdeen Area Office Aberdeen, South Dakota.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Area Director, Aberdeen Area, on September 18, 2008, the attached Amendments AA, A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, and Z to the Constitution and By-laws of the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota, were submitted to the qualified voters of the tribe and on November 4, 2008, duly adopted Amendment A, by vote of 349 for and 218 against; and duly adopted Amendment C, by a vote of 318 for and 311 against; and duly adopted Amendment D, by a vote of 344 for and 281 against; duly adopted Amendment E, by vote of 334 for and 298 against; and duly adopted Amendment F, by a vote of 402 for and 231 against; and duly adopted Amendment H, by a vote of 334 for and 295 against; and duly adopted Amendment I, by a vote of 323 for and 263 against; and duly adopted Amendment K, by a vote of 344 for and 291 against; and duly adopted Amendment L, by a vote of 326 for and 298 against; and duly adopted Amendment M, by a vote of 337 for and 298 against; and duly adopted Amendment Q, by a vote of 297 for and 286 against; and duly adopted Amendment T, by a vote of 324 for and 252 against; and duly adopted Amendment W, by a vote of 372 for and 260 against; and duly adopted Amendment Z, by a vote of 401 for and 227 against; in an election in which at least 30 percent required of the 1,178 members entitled to vote, cast their ballot in accordance with 25 U.S.C. § 476.

Warren D. LeBeau, Chairman, Election Board

Robert D. Ecoffey, Member, Election Board

Wesley Charles Jacobs, Jr., Member, Election Board

George Patton, Member, Election Board

Harold Compton, Member, Election Board

November 10, 2008

APPROVAL

I, Michael Black, Regional Director of the Aberdeen Regional Office, Bureau of Indian Affairs, by virtue of the authority granted by 10 BIAM 3.1, hereby approve the attached Amendments A, C, D, E, H, I, K, L, M, Q, T, W, and Z to the Constitution and Bylaws of the Oglala Sioux Tribe. I hereby disapprove Amendment F.

Michael Black, Regional Director
Aberdeen Regional Office
Bureau of Indian Affairs

December 16, 2008